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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/319,566	08/09/1999	HANS-JURGEN HANSEN	27656/35739	3274

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EXAMINER

ANGEBRANNDT, MARTIN J

ART UNIT	PAPER NUMBER
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1756

DATE MAILED: 04/22/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/319,566

Applicant(s)

HANSEN, HANS-JURGEN

Examiner

Martin J Angebranndt

Art Unit

1756

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 04 April 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ they raise the issue of new matter (see Note below);
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____


3. ☒ Applicant's reply has overcome the following rejection(s): See Continuation Sheet.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: none.Claim(s) objected to: none.Claim(s) rejected: 1-6,9-15 and 17-27.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____


Martin J Angebranndt
Primary Examiner
Art Unit: 1756

Continuation of 3. Applicant's reply has overcome the following rejection(s): The rejection of claim 25 under Anger et al., El Houar et al., Hafner et al. or Weber et al. alone. The rejection of claims 7 and 8 under 35 USC 112. The rejection of claims 17-27 over Hafner et al. is withdrawn.

Continuation of 5. does NOT place the application in condition for allowance because: The rejection of claim 9 under 35 USC 112 remains, the examiner suggests replacing "matrix" in line 1 of claim 9 with the term "carrier" used in claim 1 to properly establish antecedent basis (This would obviate this rejection). The applicant argues that the language at least one of said substituents C1 and C2 contains an extended conjugated pi electron system which is in conjugation with the pi electron system of the heptalene core" requires that these have at least two double bonds in conjugation. The examiner disagrees, interpreting the language broader as the specification does not limit it to the argued definition. The examiner does agree that the carboxylate substituents do not exhibit extended conjugation based upon the specification at page 26, lines 3-32. Therefore the rejection of claims 17-27 over Hafner et al. is withdrawn. Compound 11 of Weber et al. (a steryl ester) seems to still be relevant. The applicant argues that the El Houar et al. reference is not enabled and argues that the reference does not teach the use in optical recording. The examiner holds that the brief discussion is enabling to one of ordinary skill in the art, who would not need each and every step of the synthesis spelled out, particularly in view of the dicarboxylates being relatively common in the prior art of record rendering their synthesis well known. The examiner notes that photochemical isomerization (photochromic conversion) is taught and that this dovetails nicely with the teachings of Van et al. concerning photochromic conversions and establishes a likelihood of success. Similarly, the terminology "photochromic" links the El Houar reference with the secondary references cited in paragraphs 12 and 13 of the final office action.

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4/16/03